

April 24, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, April 24, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Sean Reid, Leigh Ann Loeblein, Rodney Queen, DeeDee Wright, Elaine Stiller, Ken Mowery, Jeff Smith, Eldridge Williams, Brian Miller, Fred Dula

ABSENT: John Daniels

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Wright. The minutes of April 10, 2001, were approved as published.

### **RECOGNITION**

Chairman Wright recognized former Board member Andy Storey and presented him with a Certificate of Appreciation for his six years of service on the Planning Board.

### **ZONING MAP AMENDMENT**

Z-9-01 City of Salisbury, Mocksville Avenue at West Cemetery Street

Location: The intersection of Mocksville Avenue and West Cemetery Street

Size: Three vacant lots containing approximately one-half acre

Existing Zoning: B-CS Convenience Service business

Proposed Zoning: B-1 Office Institutional

(a) Chairman Wright convened a courtesy hearing on Z-9-01.

Those speaking in favor of the zoning change request:

Joe Morris, City of Salisbury – The city purchased this property a year ago for several reasons. The property had been vacant and neglected for a number of years. There was some concern about environmental hazards at the site with the possibility of underground storage tanks. The city looked at it as an opportunity to help reshape development along the Mocksville Avenue corridor. The city conducted an environmental cleanup of the property, and the City Council and is now prepared to relinquish these properties to send it back into private ownership and development that will strengthen the Mocksville Avenue corridor and potentially contribute to the land values in the Jersey City neighborhood. In order to do that, the City feels that the B-1 zoning would be more appropriate than the B-CS. The B-1 zoning reduces the number of permitted uses from 81 to 38 if rezoned. The major concern is the 2,000 square foot limitation under the current B-CS zoning for construction on the site. There is the potential that this property could be combined with adjacent property for development. City staff had discussed the possibility of seeking the MED Medical Services District, but the recommendation from Planning staff was that B-1 would be an incremental step toward a long-term study that would be

done for the whole Mocksville Avenue corridor. In response to a question from Mr. Reid as to whether this property was going to be sold to a physician in the area, Mr. Morris indicated that the City has had discussions with a potential buyer for the property in question. The City feels that B-1 is the highest and best use for the property.

Domilie Green, 527 West Henderson Street – As a member of the community, would like to see something that would not sell alcohol because we already have that across the street. Would like to see something that would take into consideration the amount of traffic coming off the property onto Mocksville Avenue and Cemetery Street. Would like to see something that is less threatening to the neighborhood than what exists across the street.

Those speaking in opposition to the zoning change request:  
None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean Reid – B-1 can open the area for other opportunities. You're coming into the medical services district which is going to be the gateway in that area. You can change it to B-1 and then someone can come in and totally negate what the Board worked on last year to create an area for medical services. For example, you can have a club or a lodge. Someone could come in and put a fraternity house on this property. Feels it would be prudent for the Board to actually wait and see who buys the property before the property is rezoned. Feels this area is better suited for the new Medical Services District classification. B-1 opens up the area too much.

Jeff Smith – Thanked the City for purchasing the property and cleaning it up. This was an important step. We need to look at the Medical Service District as a small area study. Doesn't want to hold this piece of property up if there's a potential buyer at this point. Need to rezone the property to B-1 for now, put a group together, and look at the whole area from Mahaley/Confederate back to this intersection for a Medical Services District. This is a pivotal piece of property as a gateway into the hospital area. Club and lodges can locate on this property now under its present B-CS zoning. B-1 would limit the number of uses. If the Medical Services District is eventually placed on this property, this would limit the uses even more. This seems like a natural step. We need to rezone it so that the marketability stays strong. Would definitely be in favor of zoning the area for Medical Services after a small area study. We should go ahead and rezone it now and eliminate some of the uses now permitted and then go back and look at the small area study. We should also probably look at the B-RT zoned area which is now vacant (where Pope and Arey building was formerly located). This is the only B-RT zoned property in the area.

DeeDee Wright – The Board worked long and hard creating a Medical Services District. Do we continue to encroach the neighbors with business districts and if we do continue to encroach, what is the best way of doing that. This general area has been on the Planning Board agenda from 1994 to 2001. Thinks it would be prudent to look at how the Board can best serve the neighborhood as well as the Medical Service District. Will the potential buyer come back to the Planning Board in six months asking for another rezoning. Are we being visionaries?

Jeff Smith moved to recommend the rezoning as proposed. Brian Miller seconded the motion with all members voting AYE.

### **PRESENTATION**

Dan Duganne, Rowan County Building Inspector, and David Wood, Pilot Homes, assisted Harold Poole in a discussion of stick-built houses, modulars and manufactured units. Mr. Poole stated that modular units are allowed anywhere you can put up stick-built houses. Manufactured houses must have a HUD verification of manufactured construction label. Modular homes must have a North Carolina state modular certification seal. Mr. Duganne indicated there is no difference in construction in modular and manufactured homes. He also stated that the main difference in the two types of homes is in the labeling. Manufactured housing falls under HUD labeling and has nothing to do with the state of N. C.'s residential building code. Modular homes do come under the N. C. state building code. Modular homes are checked in the plant by a third-party inspector who is certified through the state.

Jeff Smith indicated that manufactured housing is titled, like a car. Mr. Duganne said that manufactured housing is titled through the N. C. Department of Motor Vehicles. Modular units are not titled that way. That is another difference between the two. Manufactured homes have to remove the axle and tongue and be put on a foundation with underpinning before it can be considered real property rather than personal property, like a car. David Wood commented that you can finance a manufactured home without land. With a modular home, you must finance the land and home together.

### **COMMITTEE REPORTS**

(a) Committee 3 – Ken Mowery reported for the committee which met twice to discuss Z-4-01 Hendrix Barbecue, 2488 Statesville Boulevard (request to rezone from B-CS to B-6). The committee considered a number of possibilities, including using the “S” district to require the installation of street trees. They felt this was not the proper place for an “S” district. B-RT is already present in the area. The B-RT would give the owner, with some modifications to his plans, what he needed to expand his business while also protecting the R-6A property behind him. The committee is recommending that the property be rezoned to B-RT Retail Trade Business. This report comes to the Board as a motion to recommend rezoning the property to B-RT. The motion was seconded by Jeff Smith with all members voting AYE.

(b) Legislative Committee – Sean Reid reported for the committee. The committee had previously discussed a request for a reduction in the side yard setback in the B-5 district. No side yard setback is required in B-5. However, if provided, it has to be at least four feet in order to prevent narrow openings between buildings from occurring. A request had been made to reduce the four feet to three feet. The committee, at last month's meeting, recommended that no change be made. However, Randy Hemann, Executive Director of Downtown Salisbury, Inc., requested that the matter be sent back to the committee due to a misunderstanding of the request. The intent was for the reduction in side yard requirements to pertain only when the building was adjacent to an open area such as an easement, alley, dedicated right-of-way, etc. The Legislative Committee discussed the proposal at a subsequent meeting and is recommending an amendment to Section 12.21, Optional Yards in Certain Districts, of the Zoning Ordinance. The amendment would allow the setback to be less than four feet provided the setback adjoins an unobstructed

space at least 10 feet in width, which may be an alleyway, driveway, right-of-way, or easement. The committee is recommending the proposed change. The report comes to the Board as a motion to recommend the proposed amendment. The motion was seconded by Leigh Ann Loeblein with all members voting AYE except Brian Miller who abstained (was absent during the discussion).

### **PARKING SPACE SIZE**

Sean Reid stated the Legislative Committee also discussed the current size required for parking spaces (9' x 18') as to whether the size needed to be changed. He suggested this was something that could be looked at in more detail. It was the consensus of the Board for the Chairman to discuss the matter with Planning staff.

### **ADDITIONAL INFORMATION**

Harold Poole reviewed with Board members the list provided in their agenda listing reasons which could be made in favor of a zoning change request, reasons which could be made in opposition to a zoning change request, and reasons not to cite either in favor of or in opposition to a zoning request.

There being no further business to come before the Board, the meeting was adjourned.

---

Chairman

---

Secretary